

105TH CONGRESS  
2D SESSION

# H. R. 4051

To provide a mechanism for the final resolution of certain complaints of discrimination arising out of the administration of programs of the Department of Agriculture.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 1998

Ms. MCKINNEY introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide a mechanism for the final resolution of certain complaints of discrimination arising out of the administration of programs of the Department of Agriculture.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RESOLUTION OF DISCRIMINATION COM-**  
4 **PLAINTS AGAINST DEPARTMENT OF AGRI-**  
5 **CULTURE.**

6 (a) INVESTIGATION AND DETERMINATION.—Not-  
7 withstanding any other provision of law (except as pro-  
8 vided in subsection (d)), the Secretary of Agriculture shall

1 establish an Office of Civil Rights in the Department of  
2 Agriculture to investigate and resolve eligible complaints  
3 described in subsection (b) that are filed by persons under  
4 this section. For each eligible complaint investigated, the  
5 Secretary shall make a determination under subsection (c)  
6 and prepare a written decision, which shall include find-  
7 ings and an analysis in support of the determination. A  
8 person shall have 12 months from the date on which the  
9 Office of Civil Rights is established during which to sub-  
10 mit an eligible complaint for investigation and resolution  
11 under this section.

12 (b) ELIGIBLE COMPLAINT DESCRIBED.—An eligible  
13 complaint referred to in subsection (a) is a complaint of  
14 discrimination (not related to employment) in the adminis-  
15 tration of programs of the Department of Agriculture  
16 that—

17 (1) is based on race, sex, national origin, mari-  
18 tal status, religion, age, or handicap;

19 (2) arose during the period from January 1,  
20 1982, through December 31, 1996; and

21 (3) was submitted to the Department of Agri-  
22 culture before July 1, 1997.

23 (c) ADMINISTRATIVE REMEDIES.—If the Secretary of  
24 Agriculture determines, on the basis of substantial evi-  
25 dence, that discrimination based on race, sex, national ori-

1 gin, marital status, religion, age, or handicap has occurred  
2 in the administration of programs of the Department of  
3 Agriculture, as alleged in an eligible complaint, the Sec-  
4 retary may provide to the person who submitted the eligi-  
5 ble complaint those remedies that would have been avail-  
6 able under the law whose violation gave rise to the eligible  
7 complaint. The Secretary of Agriculture may provide for  
8 the recovery of reasonable attorneys fees to the same ex-  
9 tent such fees would have been available under such law.

10 (d) APPLICATION OF OTHER LAW.—The process es-  
11 tablished in subsection (a) shall be subject to the provi-  
12 sions of chapter 35 of title 44, United States Code. Noth-  
13 ing in this section shall preclude a person from pursuing  
14 any remedies in accordance with any other law.

15 (e) RESTORATION OF JUDICIAL REMEDIES.—Con-  
16 sistent with the United States Constitution and notwith-  
17 standing any other provision of law, any statute of limita-  
18 tions otherwise applicable to a claim of discrimination al-  
19 leged in an eligible complaint shall not apply to the claim  
20 if a cause of action alleging the claim is filed with a United  
21 States district court of competent jurisdiction within 12  
22 months after the date of the enactment of this Act.

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